

STATE OF MINNESOTA
COUNTY OF SHERBURNE

DISTRICT COURT
TENTH JUDICIAL DISTRICT
Personal Injury

Court File No.

Paula Dare,

Plaintiff,

vs.

SUMMONS

Menard, Inc.,

Defendant.

TO: THE STATE OF MINNESOTA TO THE ABOVE-NAMED DEFENDANTS:

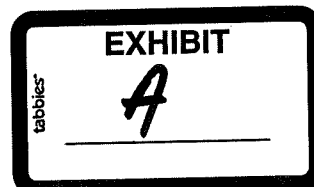
1. **YOU ARE BEING SUED.** The Plaintiff has started a lawsuit against you. The Plaintiff's Complaint against you is attached to this Summons. Do not throw these papers away. They are official papers that affect your rights. You must respond to this lawsuit even though it may not yet be filed with the Court and there may be no Court file number on this Summons.

2. **YOU MUST REPLY WITHIN 20 DAYS TO PROTECT YOUR RIGHTS.** You must give or mail to the person who signed this Summons a written response called an Answer within 20 days of the date on which you received this Summons. You must send a copy of your Answer to the person who signed this Summons located at McCullough & Kempe, P.A., 905 Parkway Drive, St. Paul, MN 55117.

3. **YOU MUST RESPOND TO EACH CLAIM.** The Answer is your written response to the Plaintiff's Complaint. In your Answer you must state whether you agree or disagree with each paragraph of the Complaint. If you believe the Plaintiff should not be given everything asked for in the Complaint, you must say so in your Answer.

4. **YOU WILL LOSE YOUR CASE IF YOU DO NOT SEND A WRITTEN RESPONSE TO THE COMPLAINT TO THE PERSON WHO SIGNED THIS SUMMONS.** If you do not Answer within 20 days, you will lose this case. You will not get to tell your side of the story, and the Court may decide against you and award the Plaintiff everything asked for in the Complaint. If you do not want to contest the claims stated in the Complaint, you do not need to respond. A Default Judgment can then be entered against you for the relief requested in the Complaint.

5. **LEGAL ASSISTANCE.** You may wish to get legal help from a lawyer. If you do not have a lawyer, the Court Administrator may have information about places where you



can get legal assistance. Even if you cannot get legal help, you must still provide a written Answer to protect your rights or you may lose the case.

6. **ALTERNATIVE DISPUTE RESOLUTION.** The parties may agree to or be ordered to participate in an alternative dispute resolution process under Rule 114 of the Minnesota General Rules of Practice. You must still send your written response to the Complaint even if you expect to use alternative means of resolving this dispute.

Dated: 10/24/2020



D. Patrick McCullough (#69978)
McCullough & Associates, P.A.
Attorney for Plaintiff
905 Parkway Drive
Saint Paul, MN 55117
(651) 772-3446
Fax: (651) 772-2177
dpmccullough@mcculloughlawyers.com

STATE OF MINNESOTA
COUNTY OF SHERBURNE

DISTRICT COURT
TENTH JUDICIAL DISTRICT

Personal Injury

Paula Dare,

Court File No:

Plaintiff,

vs.

COMPLAINT

Menard, Inc.,

Defendant.

Plaintiff Paula Dare for her cause of action against defendant Menard, Inc., states and alleges as follows:

I.

That at all times relevant herein, the Plaintiff, Paula Dare was and is an individual residing in the City of Elk River, County of Sherburne, State of Minnesota.

II.

That at all times relevant herein, Defendants were the owners of Menard's, located at or near 19531 Evans Street NW, in the City of Elk River, County of Sherburne, State of Minnesota.

III.

That in all times relevant herein, Defendants were the owners of and/or responsible for the general maintenance and upkeep of the real estate and premises which specifically included the parking area adjacent to the physical store located at or near 19531 Evans Street NW, in the City of Elk River, County of Sherburne, State of Minnesota. Furthermore,

that Defendants owed a duty to Plaintiff as a patron of their establishment to maintain safe conditions on the property and to ensure that the parking lot therein was in good condition; and furthermore to ensure that the parking lot would remain free of cracks, bumps, holes, and/or uneven surfaces in the asphalt/surfaces of said parking lot.

IV.

That Defendants negligently, wrongfully and unlawfully failed or refused to properly maintain the parking lot of said property in a safe manner and failed to ensure that said the parking lot was in good condition and free of cracks, uneven surfaces, and/or dangerous conditions.

V.

That on or about November 17, 2016, Plaintiff Paula Dare, parked her vehicle in an appropriate parking area within the Menard's parking lot. As she was getting out of her vehicle, Plaintiff Paula Dare stepped down on the running board of her truck and when she placed her other foot on the paved parking lot surface under the control of and/or belonging to the Defendant, a large asphalt protrusion caused the Plaintiff Paula Dare to lose her balance and fall due to the negligent, wrongful and unlawful conduct of Defendants, in its failure to maintain safe conditions on said property, and its failure to ensure that the parking lot would be free of cracks and uneven surfaces.

VII.

That by reason of the accident alleged above, Plaintiff Paula Dare sustained severe and permanent injuries which resulted in both economic and non-economic loss.

VII.

That by reason of the accident alleged above, Plaintiff, Paula Dare, has incurred economic detriment consisting of past and future prescriptions, hospital, doctor and other medical expenses for the care and treatment of plaintiff, all in a sum in excess of Fifty Thousand and no/100 Dollars (\$50,000.00).

IX.

That as a further result of the Defendants' negligent maintenance of the parking lot adjacent to their property at 19531 Evans Street NW, in Elk River, Minnesota, Plaintiff, Paula Dare, has suffered, and will continue to suffer in the future, great physical and mental pain and suffering. That as a consequence of such injuries, Plaintiff has been forced to undergo a protracted course of examinations, treatment, and therapy, and will continue in the future to be forced to undergo a protracted course of treatment and examinations which resulted, and will result, in non-economic detriment to plaintiff in an amount in excess of Fifty Thousand and no/100 Dollars (\$50,000.00).

WHEREFORE, Plaintiff, Paula Dare, prays for judgment against Defendant, Menard, Inc., in a sum in excess of Fifty Thousand and no/100 Dollars (\$50,000.00), together with plaintiff's costs and disbursements incurred herein, and for whatever and further relief the Court may deem is just and equitable.

Date: 10/21/2020

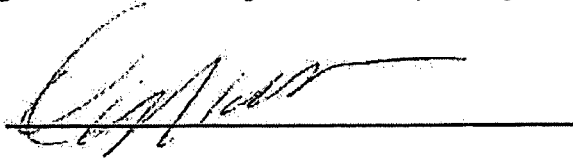


D. Patrick McCullough (#69978)
McCullough & Associates, P.A.
Attorney for Plaintiff
905 Parkway Drive
Saint Paul, MN 55117
(651) 772-3446
Fax: (651) 772-2177
dpmccullough@mcculloughlawyers.com

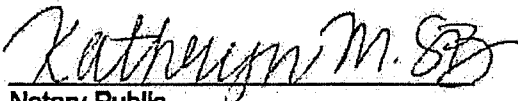
ACKNOWLEDGEMENT

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

The undersigned hereby acknowledges that costs, disbursements, and reasonable attorney and witness fees may be awarded pursuant to Minnesota Statute Section 549.211, Subd. 2, to the party against whom the allegations in this pleadings are asserted.



Subscribed and sworn to before me
this 21st day of OCTOBER, 2020.


Notary Public

